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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Game Truck Licensing, LLC

Plaintiff,

vs.

Enian Dhanabalan and Jane Doe
Dhanabalan, husband and wife, dba
American Game Truck

Defendant.

Case No.: CV _____

COMPLAINT

Game Truck Licensing, LLC for its complaint against Enian Dhanabalan and Jane Doe Dhanabalan alleges:

Parties and Jurisdiction

1. Game Truck Licensing, LLC (“Game Truck”) is an Arizona limited liability company with its principal place of business in Tempe, Arizona.
2. Upon information and belief, Enain Dhanabalan is a resident of California.
3. Upon information and belief, Jane Doe Dhanabalan is also a resident of California, and is the wife of Enian Dhanabalan. Upon information and belief all actions taken by Dhanabalan were undertaken for the benefit of his marital community.

1 14. Dhanabalan's business includes the operation of a mobile video game trailer
2 which allows multiple players to play video games together.

3 15. Dhanabalan is a direct competitor with Game Truck and its franchisees.

4 16. Dhanabalan advertises its services, in part, by promoting itself through its
5 website located at AMERICANGAMETRUCK.COM.

6 17. On his website Dhanabalan uses and refers to his business as "Game Truck."

7 18. Upon information and belief, Dhanabalan answers his telephones as "Game
8 Truck."

9 19. On more than one occasion, Dhanabalan has held himself out to be "Game
10 Truck" and has taken other steps to deliberately cause confusion and to trade on Game
11 Truck's goodwill.

12 20. Dhanabalan has intentionally and willfully held himself out to be "Game
13 Truck" in order to obtain jobs where he knew the customer wanted to contact Game Truck
14 or its franchisees.

15 **Count 1**

16 **Federal Trademark Infringement**

17 21. Game Truck realleges the allegations set forth in paragraphs 1-20 above.

18 22. Game Truck is the owner of a Federal Trademark Registration for the mark
19 GAME TRUCK.

20 23. Dhanabalen has used the term GAME TRUCK on his trucks, his mobile
21 theaters, his website and in the advertising of his services.

22 24. Dhanabalen has used the term GAME TRUCK in connection with his business
23 in a way which causes confusion regarding the source or sponsorship of his services.

24 25. The use of the term GAME TRUCK by Dhanabalen has caused customers to
25 believe that his services are approved by and authorized by Game Truck.

1 26. Dhanabalen's use of the term GAME TRUCK in infringing upon Game
2 Truck's trademark.

3 27. Dhanabalen's use of the term GAME TRUCK has caused harm and damages
4 to Game Truck in the amount to be proven at trial.

5 28. Dhanabalen's infringement of Game Trucks' trademark is continuing and as
6 such is causing continuing harm and damage to Game Truck.

7 29. Dhanabalen's infringement of Game Truck's trademark is causing harm to the
8 goodwill and reputation of Game Truck, and is causing irreparable injury to Game Truck.

9 30. Dhanabalen has been advised of his infringing activities. Despite demand to
10 cease his infringing activities, he has continued to infringe Game Truck's trademark rights.

11 31. Dhanabalen's infringement is deliberate and willful.

12 32. Game Truck is entitled to preliminary and permanent injunctive relief to
13 restrain any further infringement of its trademark.

14 **Count 2**

15 **Common Law Trademark Infringement**

16 33. Game Truck realleges the allegations set forth in paragraphs 1-32 above.

17 34. Game Truck has extensively marketed its services throughout the United
18 States, including in Arizona and California.

19 35. Game Truck has several franchisees throughout the United States who
20 advertise and promote their services under the name Game Truck and under the trademark
21 GAME TRUCK. This includes advertising, promoting, and providing services in Arizona
22 and California.

23 36. Game Truck has been actively advertising, promoting and providing its
24 services under the trademark GAME TRUCK, for many years.

25 37. The mark GAME TRUCK is well known throughout the United States,
26 including in Arizona and California.

1 51. These actions have caused harm and damage to Game Truck in an amount to
2 be proven at trial.

3
4 Wherefore, Game Truck requests relief as follows:

5 A. The Court issue a preliminary and permanent injunction against Defendants,
6 their owners, employees, agents, representatives and all persons in active concert with them
7 restraining and prohibiting them from infringing upon Game Truck's trademark GAME
8 TRUCK, and further requiring them to cease and desist from any further use of the mark
9 GAME TRUCK or substantially similar or colorable imitation of that mark, in any
10 marketing, promotion or advertising of their business; and requiring them to remove such
11 mark from any trucks or trailers used in their business; remove such mark from any
12 advertising or marketing materials, including any websites, social media sites or any online
13 usage, and to destroy any tangible marketing or advertising materials bearing the mark;

14 B. The Court issue an order prohibiting and restraining Defendants from making
15 any false or misleading statements about Game Truck or any of its franchisees;

16 C. The Court award damages to Game Truck in the amount to be proven at trial;

17 D. The Court award treble damages to Game Truck, pursuant to 15 U.S.C. §1117;

18 E. The Court find that this is an exceptional case and award Game Truck its court
19 costs and reasonable attorneys' fees. 15 U.S.C. §1117; and

20 F. The Court award Game Truck such further relief as the Court deems just and
21 proper.

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1 DATED: October 4, 2017.

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3 **PARKER SCHWARTZ, PLLC**

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